

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

Trustees of the
LABORERS' PENSION TRUST FUND -
DETROIT AND VICINITY, et al.,

Plaintiffs,

v

Case No. 11-11058
HON. ROBERT H. CLELAND

MUIRHEAD CONSTRUCTION, INC.,

Defendant.

**STIPULATION TO CONSENT ORDER RE-OPENING CASE
AND ENTRY OF CONSENT JUDGMENT**

The undersigned hereby stipulate to the entry of the attached Consent Order Re-Opening
Case and Entry of Consent Judgment.

STIPULATED AND AGREED TO:

SACHS WALDMAN,
PROFESSIONAL CORPORATION

DAKMAK PEURACH, P.C.

/s/ George H. Kruszewski
George H. Kruszewski (P25857)
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Dated: July 26, 2011

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

Trustees of the
LABORERS' PENSION TRUST FUND -
DETROIT AND VICINITY; LABORERS'
VACATION AND HOLIDAY TRUST FUND -
DETROIT AND VICINITY; LABORERS
METROPOLITAN DETROIT HEALTH & WELFARE
FUND; and MICHIGAN LABORERS' TRAINING FUND,
trust funds established under, and
administered pursuant to, federal law,

Plaintiffs,

v

Case No. 11-11058
HON. ROBERT H. CLELAND

MUIRHEAD CONSTRUCTION, INC.,

Defendant.

**CONSENT ORDER RE-OPENING CASE
AND ENTRY OF CONSENT JUDGMENT**

Plaintiffs having filed a Notice of Re-Opening Case, together with an Affidavit of Default Under Settlement Agreement under the terms of the Settlement Agreement between plaintiffs and defendants ("Settlement Agreement"), and a Consent Order (i) Dismissing Case Without Prejudice, and (ii) Setting Procedures for Re-Opening of Case and Entry of Consent Judgment having been previously entered by the Court; and the Court being fully advised;

Accordingly, IT IS HEREBY ORDERED AND ADJUDGED:

1. This case is re-opened.

2. Judgment is entered in favor of plaintiffs and against defendant in the amount of \$66,353.95,¹ and Plaintiffs shall have full rights of execution thereon.

3. The total Judgment amount shall be reduced by a credit for all amounts paid by defendant in installment payments under the Settlement Agreement.

4. Post-judgment interest will accrue on the amount set forth in paragraph 4, above, as provided for in 28 USC 1961, from the date of entry of this Judgment, and plaintiffs shall have full rights of execution thereon.

5. Plaintiffs are also awarded attorneys' fees and costs incurred by Plaintiffs in the prosecution of this matter, pursuant to ERISA 502(g)(2), 29 USC 1132(g)(2), and are hereby granted leave to file a Motion for Amended Judgment, which shall be accompanied by an affidavit of Plaintiffs' counsel setting out all amounts determined to be due pursuant to the provisions of this Judgment.

6. This court shall retain jurisdiction over this matter for purposes of enforcement of the provisions of this Consent Order and any Judgment entered pursuant to paragraph 5, above.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 29, 2012

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The \$66,353.91 consists of \$54,760.91 in fringe benefit contributions owed for work performed for the work months of July, 2009 through August, 2010, \$9,297.06 in liquidated damages related to the audit and \$2,295.98 in liquidated damages related to late payments.

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, June 29, 2012, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522